

**REMARKS/ARGUMENT****Regarding the Claims in General:**

Claims 8-13, 34-36, 40-42, 47-49, 60 and 62-66 remain pending before the Examiner without amendment. Claims 1-7, 14-33, 37-39, 40-46, 50-53, 56-59 and 61 stand withdrawn from consideration as directed to non-elected species.

**Regarding The Allowable Subject Matter**

Applicants note with appreciation the indication that claims 8-13, 48, 49, 60, 62, and 63 are allowed, and that claims 40-42, 47, 65, and 66 would be allowed if rewritten in independent form incorporating the limitations of their respective parent claims. Because these claims are dependent on claims 34 and 35, which are believed to be allowable as written, claims 40-42, 47, 65, and 66 have been retained in dependent form pending the Examiner's further consideration.

**Regarding the Prior Art Rejections:**

In the outstanding Office Action, claim 34 was rejected under 35 U.S.C. 102(b) as being anticipated by Larsen U.S. Patent 5975430 (Larsen), and claims 35, 36, and 64 were rejected under 35 U.S.C. 102(e) as being anticipated by Clark U.S. Patent 6241158 (Clark). Applicants respectfully traverse these rejections.

***Claim 34:***

Claim 34 calls for:

a flow shut off valve mounted in the nozzle housing which is rotatable around an axis extending longitudinally within the housing to throttle or shut off the water flow to the nozzle.

Larsen has a valve 120, but this does not throttle or shut off the water flow to the nozzle. Rather, as explained, for example, at col. 4, lines 23-41, col. 5, line 63 through col. 6, line 10, and beginning at col. 8, line 42, valve 120 only controls the reversing mechanism, as it flips between its open and closed positions. Accordingly, Larsen does not anticipate claim 34.

*Claims 35, 36, and 64:*

The basis for rejection of independent claim 35 is not entirely clear. The Examiner seems to be saying that Clark's shutoff valve is not in the outlet nozzle flow path so it is inherently not in that flow path when the valve is completely open. It is respectfully submitted that this is not a correct interpretation of what is shown in Clark. The shutoff mechanism includes a valve body 38 which is clearly in the nozzle flow path, and is repeatedly so described. For example, at col. 2, lines 54-58, Clark states:

Accordingly, it would be desirable to provide an irrigation sprinkler with an improved internal manually operable flow stop valve that has less adverse impact on the hydrodynamic flow characteristics in the water flow path leading to the nozzle.

Similarly, at col. 2, line 64 through col. 3, line 3:

A valve body is pivotable in the water flow path between a first position in which it which the water flow path is substantially open and a second position in which the valve body substantially obstructs the water flow path. . . .

and at col. 5, lines 3-10:

A valve body 38 (FIG. 2) is pivotable in the portion of the water flow path through the housing 14 formed by a vertical hollow cylindrical tube 40. The upper end of the tube 40 is formed integrally with the rear end of the angled nozzle socket 24. The valve body 38 is pivotable between a first position shown in FIGS. 2 and 7 in which it which the water flow path is open and a second position shown in FIGS. 3 and 8 in which the valve body 38 closes and seals off the water flow path.

Figs. 2 and 7 show valve body 38 in the open position. Clearly, shaft 50 on which valve body 38 rotates is always in the flow path, and even though it is aligned along the flow path, the valve body itself, which actually blocks the flow, is also always in the flow path.

In contrast, claim 35 calls for:

a valve disposed in the nozzle housing flow path, the valve being movable between open and closed positions to control water flow to said angled portion of the nozzle housing flow path . . .

and requires that the valve be:

so constructed and configured that the parts thereof which control the water flow when the valve is not in the open position are substantially

completely displaced from the outlet nozzle flow path when the valve is in a fully open position.

Clark's valve body 38 and shaft 50 are *never* substantially displaced from the nozzle flow path, and thus it is not seen how Clark can be regarded by the Examiner as anticipating claim 35.

Claims 36 and 64 are dependent on claim 35, and can likewise not be regarded as anticipated by Clark, according to applicants' understanding of the rejection.

If applicants have misunderstood the Examiner's intent, and this rejection is adhered to, the Examiner is respectfully requested to clarify the basis for his assertion that the parts of Clark's shutoff valve which control the water flow when the valve is not in the open position are substantially completely displaced from the outlet nozzle flow path when the valve is in a fully open position.

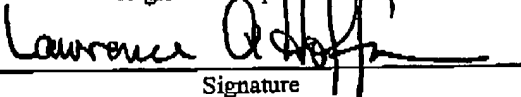
**Regarding the Withdrawn Claims:**

Since it has now been demonstrated that independent generic claims 8, 35, and 48 are allowable, along with dependent generic claims 36, 40, and 53, it is respectfully submitted that non-elected claims 1-7, 14-33, 37-39, 43-46, 50-59, and 61 should be considered and allowed. These claims are patentable for all the reasons stated above, and in previous communications.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being transmitted by Facsimile to (571) 273-8300 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

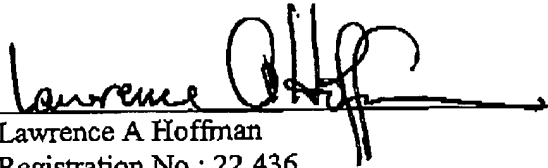
Lawrence A Hoffman  
Name of applicant, assignee or  
Registered Representative

  
Signature

May 12, 2006  
Date of Signature

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Respectfully submitted,

  
Lawrence A Hoffman  
Registration No.: 22,436  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700